

OFFICE OF THE DIRECTOR GENERAL (PRISONS)
PRISON HEADQUARTERS: GOVT. OF NCT OF DELHI
NEAR LAJWANTI GARDEN CHOWK: NEW DELHI-110064
(PH No- 28520398 (o), 28520989 (Fax), Email: dig-tihar@nic.in)

Name of applicant	Date of applications	Reply given by PIOs	Date of filing of Appeal	Date of Hearing of Appeal	Appeal No.	ID No.
Sh. Dharm Singh Meena S/o Sh. Prahlad Singh Meena	15/01/2022	PIO-CJ-10-17/02/2022	15/03/2022	07/04/2022	26/2022	Appeal General

Appellant Sh. Dharm Singh Meena S/o Sh. Prahlad Singh Meena is not present being jail inmate. Sh. Jitender Patel-AS is presently for hearing on behalf of PIO CJ-10

Case heard. The Appellant vide his application dated 15/01/2022 has asked for the record in respect to search conducted by him in Central Jail No-10 and how many mobile phone recovered during the course of search.

The SPIO CJ-10 vide his reply dated 17/02/2022 has denied to provide the requested information seeking exemption from disclosure of the requested information under section 8 (1) (e) of the RTI Act.

The PIO CJ-10 (Rohini) has filed his rejoinder to Appeal petition vide his communication dated 02/04/2022.

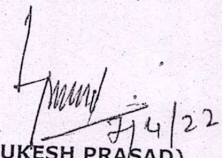
In his rejoinder dated 02/04/2022 before the undersigned. The SPIO-CJ-10 has reiterated denied of request of the Appellant on the basis of invoking section 8 (1) (g) of the RTI Act 2005 instead of Section 8(1)(e) of RTI Act 2005.

In other words, the SPIO CJ-10 invoked section 8 (1) (e) of the RTI Act 2005 while replying to the Petitioner vide his communication dated 17/02/2022. However before the undersigned he has revoked section 8 (1) (g) of the RTI Act 2005. Evidently there appears lack of seriousness and application of mind in dealing with the RTI application.

Further, invocation of exemption clauses 8 (1), (e) or 8 (1) (g) are appropriate. The requested information, in my opinion, is neither available with the PIO in his fiduciary relationship nor the SPIO is able to justify how the disclosure of information would endanger the life or physical safety of any person or identify source of information or assistance given in confidence for law enforcement or security purposes. It is evident from the application that the Petitioner has requested information such as number of searches conducted by him during specific time period etc.

Considering all the facts & circumstances of the case and finding infirmities in the replies of the SPIO CJ-10, the Appeal is allowed and SPIO CJ-10 is directed to provide the requested information in the manner available with him, subject to provision of the RTI Act 2005, within seven days of receipt of this order.

Case is accordingly disposed off. If applicant is not satisfied with this direction, he/she may file second appeal before the Hon'ble CIC, Baba Gang Nath Marg, Munirka, New Delhi-67.


(MUKESH PRASAD)
ADDL. INSPECTOR GENERAL OF PRISONS/
FIRST APPELLATE AUTHORITY

Sh. Dharm Singh Meena S/o Sh. Prahlad Singh Meena
Presently lodged in Central Jail No-2,
Tihar, New Delhi-11064

F10(3476489)/ID-Appeal General/CJ/Legal/2022/1368-69 Dated: 31/4/2022.

Copy for necessary action/information:-

PIO CJ-10